

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF
TENNESSEE KNOXVILLE DIVISION

UNITED STATES OF AMERICA and)
STATE OF TENNESSEE)
Plaintiffs,)
v.) No. 3: 12-CV-394
ALLEN R. FOSTER) ~~MMKMS~~/SHIRLEY)
Defendant.)

CONSENT JUDGMENT

Plaintiffs, the United States of America and the State of Tennessee, having filed their Complaint, and defendant, Allen Ricardo Foster (hereinafter "defendant"), having consented to the making and entry of this Consent Judgment without trial, the Court finds and orders as follows:

1. This Court has jurisdiction over the subject matter of this litigation and over all parties to this action. The plaintiffs' Complaint states a claim upon which relief can be granted.
2. The plaintiffs allege in their Complaint that defendant submitted false claims to the Medicare and TennCare programs in violation of the False Claims Act ("FCA"), as amended, 31 U.S.C. § 3729 *et seq.*, and the Tennessee Medicaid False Claims Act ("TMFCA"), Tenn. Code Ann. § 71-5-181 *et seq.*, and is liable to the United States and the State of Tennessee for treble damages and civil penalties.
3. Defendant admits that he committed certain violations alleged in the Complaint but denies that he committed all of the violations alleged in the Complaint.

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4. The United States, the State of Tennessee and defendant desire to avoid further litigation and have therefore agreed to the terms of this Consent Judgment.
5. Defendant shall pay to the United States and the State of Tennessee \$280,288.00, plus interest at the legal rate from the date of entry of this Consent Judgment, according to the following terms:
 - a. Defendant shall pay the criminal monetary penalties assessed against him in Case Number: 3:11-CR-007-001 in their entirety prior to making any payments on this Consent Judgment.
 - b. Once the criminal monetary penalties have been satisfied, defendant shall pay the \$280,288.00 owed to the United States and the State of Tennessee as a result of this Consent Judgment.
6. The payment set forth in Paragraph 5 above shall be in full satisfaction of the claims of the United States and the State of Tennessee alleged in this action; including any claims for civil penalties under the FCA or TMFCA.
7. The payment set forth in Paragraph 5 shall not be construed as a fine or penalty.
8. Defendant knowingly and voluntarily waives all constitutional, legal and equitable defenses to the obligations imposed upon him pursuant to this Consent Judgment, including without limitation a defense of excessive fine or penalty.
9. This Court shall retain jurisdiction to enforce the provisions of this Consent Judgment.
10. This Consent Judgment shall be recorded among the records of the Register's Office in the county of residence of the defendant, and all other jurisdictions where it is determined by the plaintiffs that the defendant owns real or personal property.

3:12-cv-394

ENTER:

C. Clegg Sing
UNITED STATES MAGISTRATE JUDGE

APPROVED FOR ENTRY:

ATTORNEYS FOR PLAINTIFFS:

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UNITED STATES ATTORNEY

By: alb

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